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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,118	11/24/2003	Hugh Molotsi	37202/127002; 990050	4835

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EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT

PAPER NUMBER

3691

NOTIFICATION DATE

DELIVERY MODE

01/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/722,118

Applicant(s)

MOLOTSI ET AL.

Examiner

KELLY CAMPEN

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15, 16 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following Office Action is in response to the Amendment and arguments filed 10/14/2008.

Claims 1-10, 15-16, 20-27 are pending, claims 20-27 are new.

Election/Restrictions

Newly submitted claims 20-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: as reasoned in the Restriction requirement mailed 2/27/2008.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-27 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

The abstract of the disclosure is objected to because it includes language which may be implied ("The present invention enables..." see below, emphasis added). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phrasology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-10 recite a process comprising the steps of receiving, receiving, assessing and applying, Based on Supreme Court precedent, a proper process must be tied to another statutory class or transform underlying subject matter to a different state or thing (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876)). Since neither of these requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shutes (US 2001/0044781 A1).

Specifically as to claims 1 and 16, Shutes discloses a computer-implemented method, and associated computer readable medium for creating reports from financial data in a financial software application, the method comprising: receiving a selection of a report template to be used to create a report, wherein the report template includes query parameters, layout information and content field information; receiving financial data from a data source; assessing whether the financial data is comparable with the report template by examining a data file type and contents of the financial data to ensure consistency with the selection of the report template and the content field information; and applying the received layout information and received content field information to the received financial data to generate a report, the report having a layout specified by the layout information, and including content associated with the content field information (see abstract, paragraph 0050, 0118, 0060, 0062, 0065, 0138, 0143, 0169, 0217, 0243, 0248-0249, -272, 0294, 0301, 0303-4, 0307, 0317, 0319, 0332, 0354, 0355, 0401-424).

Specifically as to claim 2, outputting the report to an output device (see above rejections for claims 1 and 16, in addition figure 41 J, paragraph 0050, 0118, 0060, 0062, 0065, 0138, 0143, 0169).

Specifically as to claim 3, the output device is a computer monitor (see above rejections for claims 1, 16, in addition figure 41 J, paragraphs 0303-4, 0307, 0317, 0319, 0332, 0354, 0355, 0401-424).

Specifically as to claim 4, the output device is a printer (see above rejections for claims 1, 16, in addition paragraph 0403, paragraph 0050, 0118, 0060, 0062, 0065, 0138, 0143, 0169).

Specifically as to claim 5, the output device is storage medium (see above rejections for claims 1, 16, in addition paragraph 0445, 0243, 0248-0249, -272, 0294, and 0301).

Specifically as to claim 6, data source is a storage device (see above rejections for claims 1, 16, in addition paragraph 0445, 0303-4, 0307, 0317, 0319, 0332, 0354, 0355, 0401-424).

Specifically as to claim 7, template is selected using the Internet (see above rejections for claims 1, 16, in addition paragraph 0445, paragraph 0050, 0118, 0060, 0062, 0065, 0138, 0143, 0169).

Specifically as to claim 8, storing the selected template locally (see above rejections for claims 1, 16, in addition paragraph 0433, 0060, 0134).

Specifically as to claim 9, the selected template includes version information, and prior to applying the received layout information and received content field information to the received financial data, the template version is compared to a version associated with the received financial data to determine whether the financial data is compatible with the selected template (see above rejections for claims 1 and 16, in addition, inherently one would check to see if the version of one would be compatible to open the files of another, paragraph 0467, 0411).

Specifically as to claim 10, responsive to a determination that the financial data is compatible with the selected template, generating the report (see above rejections for claims 1, 9,

16, in addition paragraphs 0069-0070, figure 14, step 28, paragraph 0248, 301, 307, 372, 410, 443, paragraph 0050, 0118, 0060, 0062, 0065, 0138, 0143, 0169) .

Specifically as to claim 15, Shutes discloses a system for creating reports from financial data in a financial software application, the system comprising: a template data store for storing report templates, the report templates including layout information and content field information used to generate a report; a user data store for storing user financial data; and a report engine, communicatively coupled to the template data store and the user data store, for receiving template data from the template data store and user data from the user data store, and for generating reports by applying the template data to the user data and generating the report template by extracting query parameters, content files and report layout information for reports and exporting the report template (see abstract, paragraph 0050, 0118, 0060, 0062, 0065, 0138, 0143, 0169, 0217, 0243, 0248-0249, -272, 0294, 0301, 0303-4, 0307, 0317, 0319, 0332, 0354, 0355, 0401-424, figure 14 as well as the above citation for the above rejections).

Examiner's Note

Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

Applicant's arguments filed 10/14/2008 have been fully considered but they are not persuasive.

With regards to applicant's argument that Shutes does not disclose "receiving a selection of a report template...and content field information", Examiner disagrees. Shutes discloses this limitation in paragraphs 0243, 0248-0249, -272, 0294, 0301.

With regards to applicant's argument that Shutes does not disclose "assessing where the financial data is compatible...a data file type and contents of the financial data", Examiner disagrees as disclosed in the above rejection in paragraphs 0217, 0243, 0248-0249, -272, 0294, 0301, 0303-4 and figure 14 of Shutes.

With regards to applicant's argument that Shutes does not disclose "generating a report template by extracting query parameters, content fields... exporting the report template", Examiner disagrees as disclosed in the above rejection in paragraphs 0217, 0243, 0248-0249, -272, 0294, 0301, 0303-4 and figure 14 of Shutes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY CAMPEN whose telephone number is (571)272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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